

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Gubernatorial Boards and Commissions Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means a board authorized or created by executive
8 order of the Governor, statute, or the Illinois Constitution to
9 which the Governor has authority (whether or not exercised) to
10 appoint one or more members.

11 "Commission" means a commission or other body authorized or
12 created by executive order of the Governor, statute, or the
13 Illinois Constitution to which the Governor has authority
14 (whether or not exercised) to appoint one or more members.

15 "Office" means the Governor's Office of Boards and
16 Commissions, or a successor entity within the Governor's
17 administration.

18 Section 10. Repository of board and commission membership.
19 The Office shall establish and maintain on the Internet a
20 centralized, searchable database, freely accessible to the
21 public, of information relating to appointed positions on the
22 State's boards and commissions.

1 The database shall include, at a minimum:

2 (1) The qualifications for, and the powers, duties, and
3 responsibilities of, each appointed position on each of the
4 State's boards and commissions.

5 (2) The name and term of each current appointed member
6 of a board or commission and previous terms served by that
7 person on that or any other State board or commission.

8 (3) Each current vacancy in appointed membership of
9 each of the State's boards and commissions.

10 (4) Information as to how a person may apply for
11 appointment to a board or commission, including a uniform
12 application that may be downloaded and printed or that may
13 be submitted electronically.

14 (5) A copy of the resume, with the person's home
15 address and any personal information redacted, of each
16 person appointed to a board or commission by the Governor
17 after the effective date of this Act. This posting shall
18 remain until one year after the person no longer serves on
19 that board or commission.

20 (6) A copy of the letter of appointment, with the
21 person's home address redacted, filed with the Secretary of
22 State with respect to each person appointed to a board or
23 commission by the Governor after the effective date of this
24 Act. This posting shall remain until one year after the
25 person no longer serves on that board or commission.

26 (7) A link to that section of the Secretary of State's

1 website that allows the public to search Statements of
2 Economic Interest filed with the Secretary of State.

3 Section 15. Eligibility for appointment or reappointment
4 to certain boards and commissions.

5 (a) For the purpose of this Section, "appointment or
6 reappointment" means appointment or reappointment by the
7 Governor to:

8 (1) A board or commission composed of members whose
9 appointment or reappointment requires the advice and
10 consent of the Senate, and whose members: (i) are entitled
11 to compensation for their service beyond reimbursement of
12 expenses; (ii) have statutory authority to regulate or
13 oversee the business or activities of individuals, private
14 entities, or public bodies; (iii) have statutory authority
15 to issue or approve professional licenses; (iv) have
16 statutory authority to conduct, or review the decision
17 resulting from, any arbitration, adjudication,
18 administrative, or quasi-judicial proceeding; or (v) have
19 statutory authority to award grants.

20 (2) The governing board of a retirement system
21 established by Article 14, 15, or 16 of the Illinois
22 Pension Code.

23 (3) The Illinois State Board of Investment.

24 (4) The Illinois Board of Higher Education.

25 (5) The governing board of a State university.

1 (b) a person is ineligible for appointment or reappointment
2 after the effective date of this Act if:

3 (1) The person fails to agree in writing on a form
4 prescribed by the Office that he or she, for a period of
5 one year after termination of the person's appointment or
6 reappointment, will not accept employment with, or perform
7 any compensated services for, an individual or entity (or
8 any of its affiliates) with respect to which the person,
9 during a period of one year before termination of his or
10 her appointment or reappointment, participated in the
11 board's or commission's (i) award of a contract of more
12 than \$25,000 or (ii) regulatory, adjudicatory,
13 quasi-adjudicatory, investigatory, or licensing decision.
14 After a person's appointment or reappointment, the written
15 agreement shall not be binding if waived by the Executive
16 Ethics Commission upon a showing that the prospective
17 employment or relationship did not affect the board's or
18 commission's award or decision.

19 (2) The person fails to agree in writing on a form
20 prescribed by the Office that the person will not lobby or
21 represent an individual or entity (or any of its
22 affiliates) before the board or commission to which the
23 person seeks appointment or reappointment during his or her
24 service on that board or commission and for one year after
25 termination of that service.

26 (3) The person fails to file a disclosure of conflicts

1 of interests and a statement of economic interests as
2 required by Section 3A-30 and Article 4A, respectively, of
3 the Illinois Governmental Ethics Act.

4 (c) Nothing in this Section shall impair the ability of a
5 person serving on a board or commission on the effective date
6 of this Act to complete his or her current term of membership.

7 Section 20. Ethics training. Each person appointed by the
8 Governor to a board or commission described in subsection (a)
9 of Section 15, whether appointed before, on, or after the
10 effective date of this Act, shall annually complete the ethics
11 training required by Section 5-10 of the State Officials and
12 Employees Ethics Act for State employees under the jurisdiction
13 of the Governor's Executive Inspector General.

14 Section 25. Board or commission website. A board or
15 commission that maintains a website and has a full-time
16 information technology staff shall make freely available to the
17 public on that website the following:

18 (1) Any audio or video recordings of each of its
19 regular or special open meetings, for a period of at least
20 2 years after the date of the meeting.

21 (2) Minutes of each of its regular or special meetings,
22 for a period of at least 2 years after the date of the
23 meeting.

24 (3) A regularly updated schedule of its future meeting

1 dates and agenda.

2 Section 30. Special Inspector General for Boards and
3 Commissions.

4 (a) The Governor's Executive Inspector General shall
5 appoint a Special Inspector General for Boards and Commissions.
6 The Special Inspector General shall receive and review all
7 complaints involving boards and commissions under the
8 jurisdiction of the Governor. Upon request, the Special
9 Inspector General shall provide advice and counsel in matters
10 relating to enforcement and application of this Act and the
11 State Officials and Employees Ethics Act.

12 (b) The Office shall maintain on its official website
13 information concerning the process for filing a complaint with
14 the Special Inspector General for Boards and Commissions
15 regarding any suspected fraud, waste, abuse, or misconduct
16 involving a board or commission. The information shall include,
17 but shall not be limited to, a link to the website of the
18 Office of the Governor's Executive Inspector General and
19 contact information for the Special Inspector General for
20 Boards and Commissions.

21 (c) The ethics officer of each board or commission shall
22 timely file with the Special Inspector General for Boards and
23 Commissions a copy of each ex parte communication made a part
24 of the board's or commission's record pursuant to Section 5-50
25 of the State Officials and Employees Ethics Act.

1 Section 35. Information provided to the Senate.

2 (a) Before the Governor submits the name of an applicant
3 for appointment to a board or commission to the Senate for
4 confirmation, the Office shall provide to each member of the
5 Senate's Committee on Executive Appointments, or its
6 successor, the following:

7 (1) A copy of the application for the appointment
8 completed by the appointee for the position for which the
9 Governor is seeking to have that person confirmed;

10 (2) A copy of the applicant's resume;

11 (3) A questionnaire, completed by the applicant, which
12 shall be provided by the Chair of the Committee, seeking
13 such information as the Committee may direct;

14 (4) A copy of the applicant's Oath of Office, and
15 Statement of Economic Interest required under Article 4A of
16 the Illinois Governmental Ethics Act, which have been filed
17 with the Secretary of State;

18 (5) A copy of the applicant's Statement of Conflict of
19 Interest under Sections 3A-30 and 3A-35 of the Illinois
20 Governmental Ethics Act, if the applicant is required to
21 make such a disclosure, which has been filed with the
22 Secretary of State; and

23 (6) A copy of the applicant's current registration as a
24 lobbyist with the Secretary of State, if the applicant is
25 so registered.

1 Section 40. Savings provision. Nothing in this Act shall be
2 construed to contravene any State or federal law.

3 Section 90. The Illinois Governmental Ethics Act is amended
4 by changing Sections 3A-30, 4A-101, and 4A-105 as follows:

5 (5 ILCS 420/3A-30)

6 Sec. 3A-30. Disclosure.

7 (a) ~~Before~~ ~~Upon~~ appointment to a board, commission,
8 authority, or task force authorized or created by State law, a
9 person must file with the Secretary of State a disclosure of
10 all contracts the person or his or her spouse or immediate
11 family members living with the person have with the State and
12 all contracts between the State and any entity in which the
13 person or his or her spouse or immediate family members living
14 with the person have a majority financial interest.

15 (b) Violation of this Section is a business offense
16 punishable by a fine of \$1,001.

17 (c) The Secretary of State must adopt rules for the
18 implementation and administration of this Section. Disclosures
19 filed under this Section are public records and shall be posted
20 on the Secretary of State's official website.

21 (Source: P.A. 93-615, eff. 11-19-03.)

22 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

1 Sec. 4A-101. Persons required to file. The following
2 persons shall file verified written statements of economic
3 interests, as provided in this Article:

4 (a) Members of the General Assembly and candidates for
5 nomination or election to the General Assembly.

6 (b) Persons holding an elected office in the Executive
7 Branch of this State, and candidates for nomination or
8 election to these offices.

9 (c) Members of a Commission or Board created by the
10 Illinois Constitution, and candidates for nomination or
11 election to such Commission or Board.

12 (d) Persons whose appointment to office is subject to
13 confirmation by the Senate and persons appointed, and
14 applicants for appointment, by the Governor to any other
15 position on a board or commission described in subsection
16 (a) of Section 15 of the Gubernatorial Boards and
17 Commissions Act.

18 (e) Holders of, and candidates for nomination or
19 election to, the office of judge or associate judge of the
20 Circuit Court and the office of judge of the Appellate or
21 Supreme Court.

22 (f) Persons who are employed by any branch, agency,
23 authority or board of the government of this State,
24 including but not limited to, the Illinois State Toll
25 Highway Authority, the Illinois Housing Development
26 Authority, the Illinois Community College Board, and

1 institutions under the jurisdiction of the Board of
2 Trustees of the University of Illinois, Board of Trustees
3 of Southern Illinois University, Board of Trustees of
4 Chicago State University, Board of Trustees of Eastern
5 Illinois University, Board of Trustees of Governor's State
6 University, Board of Trustees of Illinois State
7 University, Board of Trustees of Northeastern Illinois
8 University, Board of Trustees of Northern Illinois
9 University, Board of Trustees of Western Illinois
10 University, or Board of Trustees of the Illinois
11 Mathematics and Science Academy, and are compensated for
12 services as employees and not as independent contractors
13 and who:

14 (1) are, or function as, the head of a department,
15 commission, board, division, bureau, authority or
16 other administrative unit within the government of
17 this State, or who exercise similar authority within
18 the government of this State;

19 (2) have direct supervisory authority over, or
20 direct responsibility for the formulation,
21 negotiation, issuance or execution of contracts
22 entered into by the State in the amount of \$5,000 or
23 more;

24 (3) have authority for the issuance or
25 promulgation of rules and regulations within areas
26 under the authority of the State;

1 (4) have authority for the approval of
2 professional licenses;

3 (5) have responsibility with respect to the
4 financial inspection of regulated nongovernmental
5 entities;

6 (6) adjudicate, arbitrate, or decide any judicial
7 or administrative proceeding, or review the
8 adjudication, arbitration or decision of any judicial
9 or administrative proceeding within the authority of
10 the State;

11 (7) have supervisory responsibility for 20 or more
12 employees of the State; or

13 (8) negotiate, assign, authorize, or grant naming
14 rights or sponsorship rights regarding any property or
15 asset of the State, whether real, personal, tangible,
16 or intangible.

17 (g) Persons who are elected to office in a unit of
18 local government, and candidates for nomination or
19 election to that office, including regional
20 superintendents of school districts.

21 (h) Persons appointed to the governing board of a unit
22 of local government, or of a special district, and persons
23 appointed to a zoning board, or zoning board of appeals, or
24 to a regional, county, or municipal plan commission, or to
25 a board of review of any county, and persons appointed to
26 the Board of the Metropolitan Pier and Exposition Authority

1 and any Trustee appointed under Section 22 of the
2 Metropolitan Pier and Exposition Authority Act, and
3 persons appointed to a board or commission of a unit of
4 local government who have authority to authorize the
5 expenditure of public funds. This subsection does not apply
6 to members of boards or commissions who function in an
7 advisory capacity.

8 (i) Persons who are employed by a unit of local
9 government and are compensated for services as employees
10 and not as independent contractors and who:

11 (1) are, or function as, the head of a department,
12 division, bureau, authority or other administrative
13 unit within the unit of local government, or who
14 exercise similar authority within the unit of local
15 government;

16 (2) have direct supervisory authority over, or
17 direct responsibility for the formulation,
18 negotiation, issuance or execution of contracts
19 entered into by the unit of local government in the
20 amount of \$1,000 or greater;

21 (3) have authority to approve licenses and permits
22 by the unit of local government; this item does not
23 include employees who function in a ministerial
24 capacity;

25 (4) adjudicate, arbitrate, or decide any judicial
26 or administrative proceeding, or review the

1 adjudication, arbitration or decision of any judicial
2 or administrative proceeding within the authority of
3 the unit of local government;

4 (5) have authority to issue or promulgate rules and
5 regulations within areas under the authority of the
6 unit of local government; or

7 (6) have supervisory responsibility for 20 or more
8 employees of the unit of local government.

9 (j) Persons on the Board of Trustees of the Illinois
10 Mathematics and Science Academy.

11 (k) Persons employed by a school district in positions
12 that require that person to hold an administrative or a
13 chief school business official endorsement.

14 (l) Special government agents. A "special government
15 agent" is a person who is directed, retained, designated,
16 appointed, or employed, with or without compensation, by or
17 on behalf of a statewide executive branch constitutional
18 officer to make an ex parte communication under Section
19 5-50 of the State Officials and Employees Ethics Act or
20 Section 5-165 of the Illinois Administrative Procedure
21 Act.

22 (m) Members of the board of commissioners of any flood
23 prevention district.

24 This Section shall not be construed to prevent any unit of
25 local government from enacting financial disclosure
26 requirements that mandate more information than required by

1 this Act.

2 (Source: P.A. 95-719, eff. 5-21-08.)

3 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

4 Sec. 4A-105. Time for filing. Except as provided in
5 Section 4A-106.1, by May 1 of each year a statement must be
6 filed by each person whose position at that time subjects him
7 to the filing requirements of Section 4A-101 unless he has
8 already filed a statement in relation to the same unit of
9 government in that calendar year.

10 Statements must also be filed as follows:

11 (a) A candidate for elective office shall file his
12 statement not later than the end of the period during which
13 he can take the action necessary under the laws of this
14 State to attempt to qualify for nomination, election, or
15 retention to such office if he has not filed a statement in
16 relation to the same unit of government within a year
17 preceding such action.

18 (b) A person, other than a person nominated by the
19 Governor, whose appointment to office is subject to
20 confirmation by the Senate shall file his statement at the
21 time his name is submitted to the Senate for confirmation.

22 (b-1) A person seeking appointment by the Governor to a
23 board or commission described in subsection (a) of Section
24 15 of the Gubernatorial Boards and Commissions Act, whether
25 or not that appointment is subject to Senate confirmation,

1 shall file his or her statement at the time of application.

2 (b-5) A special government agent, as defined in item
3 (1) of Section 4A-101 of this Act, shall file a statement
4 within 30 days after making the first ex parte
5 communication and each May 1 thereafter if he or she has
6 made an ex parte communication within the previous 12
7 months.

8 (c) Any other person required by this Article to file
9 the statement shall file a statement at the time of his or
10 her initial appointment or employment in relation to that
11 unit of government if appointed or employed by May 1.

12 If any person who is required to file a statement of
13 economic interests fails to file such statement by May 1 of any
14 year, the officer with whom such statement is to be filed under
15 Section 4A-106 of this Act shall, within 7 days after May 1,
16 notify such person by certified mail of his or her failure to
17 file by the specified date. Except as may be prescribed by rule
18 of the Secretary of State, such person shall file his or her
19 statement of economic interests on or before May 15 with the
20 appropriate officer, together with a \$15 late filing fee. Any
21 such person who fails to file by May 15 shall be subject to a
22 penalty of \$100 for each day from May 16 to the date of filing,
23 which shall be in addition to the \$15 late filing fee specified
24 above. Failure to file by May 31 shall result in a forfeiture
25 in accordance with Section 4A-107 of this Act.

26 Any person who takes office or otherwise becomes required

1 to file a statement of economic interests within 30 days prior
2 to May 1 of any year may file his or her statement at any time
3 on or before May 31 without penalty. If such person fails to
4 file such statement by May 31, the officer with whom such
5 statement is to be filed under Section 4A-106 of this Act
6 shall, within 7 days after May 31, notify such person by
7 certified mail of his or her failure to file by the specified
8 date. Such person shall file his or her statement of economic
9 interests on or before June 15 with the appropriate officer,
10 together with a \$15 late filing fee. Any such person who fails
11 to file by June 15 shall be subject to a penalty of \$100 per day
12 for each day from June 16 to the date of filing, which shall be
13 in addition to the \$15 late filing fee specified above. Failure
14 to file by June 30 shall result in a forfeiture in accordance
15 with Section 4A-107 of this Act.

16 All late filing fees and penalties collected pursuant to
17 this Section shall be paid into the General Revenue Fund in the
18 State treasury, if the Secretary of State receives such
19 statement for filing, or into the general fund in the county
20 treasury, if the county clerk receives such statement for
21 filing. The Attorney General, with respect to the State, and
22 the several State's Attorneys, with respect to counties, shall
23 take appropriate action to collect the prescribed penalties.

24 Failure to file a statement of economic interests within
25 the time prescribed shall not result in a fine or ineligibility
26 for, or forfeiture of, office or position of employment, as the

1 case may be; provided that the failure to file results from not
2 being included for notification by the appropriate agency,
3 clerk, secretary, officer or unit of government, as the case
4 may be, and that a statement is filed within 30 days of actual
5 notice of the failure to file.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 Section 97. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.